

1                   **TELECOMMUNICATIONS REGULATORY AMENDMENTS**

2                                   2012 GENERAL SESSION

3                                   STATE OF UTAH

4                   **Chief Sponsor: Curtis S. Bramble**

5                   House Sponsor: John Dougall

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7 **LONG TITLE**

8 **General Description:**

9           This bill enacts provisions relating to specified Internet communication services.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ provides definitions;
- 13           ▶ prohibits the state and a political subdivision of the state from regulating Internet
- 14 protocol-enabled service or voice over Internet protocol service; and
- 15           ▶ specifies what the prohibition does not affect.

16 **Money Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           None

20 **Utah Code Sections Affected:**

21 ENACTS:

22           **54-19-101**, Utah Code Annotated 1953

23           **54-19-102**, Utah Code Annotated 1953

24           **54-19-103**, Utah Code Annotated 1953

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26 *Be it enacted by the Legislature of the state of Utah:*

27           Section 1. Section **54-19-101** is enacted to read:

28                   **CHAPTER 19. REGULATION OF INTERNET PROTOCOL SERVICES**

29                   **54-19-101. Title.**

30 This chapter is known as "Regulation of Internet Protocol Services."

31 Section 2. Section **54-19-102** is enacted to read:

32 **54-19-102. Definitions.**

33 As used in this section:

34 (1) "Internet protocol-enabled service" means any service, functionality, or application  
35 that uses Internet protocol or a successor protocol that enables an end-user to send or receive  
36 voice, data, or video communications.

37 (2) "Voice over Internet protocol service" means any service that:

38 (a) enables real time, two-way voice communication originating from or terminating at  
39 the user's location in Internet protocol or a successor protocol;

40 (b) uses a broadband connection from the user's location; and

41 (c) permits a user to receive a telephone call that originates on the public switched  
42 telephone network and to terminate a call to the public switched telephone network.

43 Section 3. Section **54-19-103** is enacted to read:

44 **54-19-103. Authority over Internet protocol-enabled services and voice over**  
45 **Internet protocol services.**

46 (1) A state agency and political subdivision of the state may not, directly or indirectly,  
47 regulate Internet protocol-enabled service or voice over Internet protocol service.

48 (2) The regulatory prohibition in Subsection (1) does not:

49 (a) affect or limit the enforcement of criminal or civil laws, including consumer  
50 protection and unfair or deceptive trade practice laws, that apply to the conduct of business;

51 (b) affect, limit, or prohibit the current or future assessment of:

52 (i) a tax;

53 (ii) a 911 fee;

54 (iii) a universal service fund fee;

55 (iv) a telecommunication relay fee; or

56 (v) a public utility regulatory fee;

57 (c) affect or modify:

- 58           (i) a right or obligation of any telecommunications carrier under 47 U.S.C. Sec. 251
- 59 and 47 U.S.C. Sec. 252;
- 60           (ii) any commission obligation to implement or enforce federal law;
- 61           (iii) a duty or power of the commission, under 47 U.S.C. Sec. 251 and 47 U.S.C. Sec.
- 62 252, including arbitration and enforcement of an interconnection agreement;
- 63           (iv) any obligation for the provision of video service by any person; or
- 64           (v) the application of Section 54-8b-2.1; or
- 65           (d) affect the authority of the state or a political subdivision of the state to manage the
- 66 use of a public right of way, including any requirement for the joint use of utility poles or other
- 67 structures in the right of way.